

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

FILED

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

FRANK GRAY,

)

PLAINTIFF,

)

VS.

)

CV98-H-1127-E

UNITED STATES OF AMERICA,

)

DEFENDANT.

)

ENTERED

JUL - 1 1998

MEMORANDUM OF DECISION

On March 27, 1998 plaintiff, Frank Gray, commenced an action in the Circuit Court of Calhoun County naming as defendant Larry Green. In the complaint plaintiff seeks \$2,000,000.00 damages, charging that the defendant Green lied to police about plaintiff threatening to shoot people in his office and also charging that Green had police searching for a gun. Plaintiff also charges that defendant Green (a) denied him free speech by ordering him not to come into the Social Security office again; (b) refused him entrance into a public building in violation of federal law and the constitution; (c) defamed plaintiff by calling the police; and (d) committed treason against his employer The United States of America. On May 6, 1998 defendant removed the action to this court. The United States attorney certified that defendant Green was acting within the scope of his employment as an employee of the United States at the time of the incident and noticed the substitution of the United States as a party defendant. On May 8, 1998 the court substituted the United

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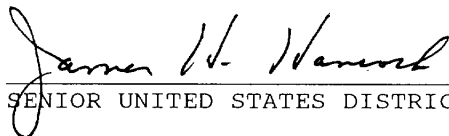
defendant. On May 8, 1998 the court substituted the United States of America as the sole defendant in this action.

On June 29, 1998 plaintiff filed a motion for summary judgment in his favor. The motion and its exhibits are totally insufficient to demonstrate that plaintiff is entitled to summary judgment in his favor and the motion is therefore due to be denied. Included in the motion for summary judgment is the following:

With this motion I ask you to Honor your name Judge Hancock & the flag & people you represent by helping me to make an example of these tresonist [sic] S.O.B.s who would sell out our country like common whores sell their body's. If you are unable to do this then I would like to drop this action as I do not intend to come into your court & get my ass stuck in a meat grinder by lawyers who are practiced [sic] a semilation [sic] & capable of doing anything to win.

Since the court is unable to grant the motion for summary judgment of plaintiff, the court views the foregoing as a motion by plaintiff to dismiss this action and is of the opinion that such motion to dismiss, under the totality of the circumstances, should be granted. A separate order of dismissal will be entered.

DONE this the 1<sup>st</sup> day of July, 1998.

  
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SENIOR UNITED STATES DISTRICT JUDGE